THE UNIVERD SHAFES OF AMERICA

Ferry Morse Seed Company

Ethereas, there has been presented to the

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF & EVENTEUR YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT OR IMPORTING IT, OR EXPORTING IT, OR USING IT IS PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

BEAN

'Bush Romano 71'

In Eastimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, DC this 10th day of June in the year of our Lord one thousand nine hundred and seventy-four

Earl L. But Secretary of Agriculture

Attest:

Commissioner JOHAN

Plant Variety Protection Office Grain Division

Grain Division Auricultural Manketina Len

Variety: Bush Romano 71

Exhibit A: Crigin and Breeding History of the Variety

Bush Romano 71 was selected by the pedigree method of breeding from the cross, Bachicha m Romano. The cross was made in the winter of 1960-61. The F2 generation was planted in the summer of 1951, and each of the F2 plants were selected and saved. The 1963 F4 progeny of an F3 single plant selection was moted for an improved habit and earlier maturity. Two additional generations (F5 and F6) of single plant selection were made in 1963 and 1964; the resulting F7 progeny row was selectively massed in 1965. Following two generations (F7 and F8) of bulk-massing in 1966 and winter, 1966-67, two F9 single plants were selected for improved habit, pod production, and a uniform 'milk chocolate' brown seed color. The F10 to F12 bulk-mass of the successive progeny rows of the two F2 selections were kept separate until the summer of 1970. No observable differences were noted between the two lines, and their seed was bulked on the decision to increase the bulk-mass as a possible new variety on September 11, 1970.

During the three generations of bulk-massing of the two selections, uniformity of type remained and no distinct variants were recovered.

Variety: Bush Romano 71

Exhibit A: Origin and Breeding History of the Vaulety

UNITED STATES DEPARTMENT OF AGRICULTURE CONSUMER AND MARKETING SERVICE GRAIN DIVISION HYATTSVILLE, MARYLAND 20762

FORM APPROVED OMB NO. 40-R3712

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

1. VARIETY NAME OR TEMPORARY	2. KIND NAME		FOR OFFIC	IAL USE ONLY	
DESIGNATION	1		PVPO NUMBER	THE GRE WITE!	
Bush Romano 71	Snap Bean		2/93		
3. GENUS AND SPECIES NAME	4. FAMILY NAME (Botanical)		FILING DATE	TIME	A.M.
Phaseolus vulgaris	Legumino		4/22/21	9 50	P.M.
	5. DATE OF DETERM		FEE RECEIVED	CHARGES	
	+	September 11, 1970			
6. NAME OF APPLICANT'S	7. ADDRESS (Street at Code)		, City, State, and ZIP	8. TELEPHONE AREA CODE AND NUMBER	
Ferry-Morse Seed Company	P. O. Box 100			(17)	r \
Dr. George C. Emery,	111 Ferry-Morse Way			(415	
Breeder	Mountain View, California 94040		967-69	973	
9. IF THE NAMED APPLICANT IS NOT A PER ORGANIZATION: (Corporation, partnership, a			11. DATE OF PORATIO	N	
Corporation	Califor		rnia	7 April	1 1969
13. CHECK BOX BELOW FOR EACH ATTACHA	AENT SUBMITTED				
X 112A. Exhibit A, Origin and Breed	ding History of the	Variety (See Secti	ion 52, P.L. 91-577)		
🕱 128. Exhibit B, Botanical Descr	iption of the Variet	ÿ.			
[[] 2c. Exhibit C, Objective Descr.	iption of the Variety	v			
X:120. Exhibit D, Data Indicative	of Novelty				•
12E. Exhibit E, Statement of the	Basis of Applicant	's Ownership			
The applicant declares that a viable sa ance of a certificate and will be replet (See Section 52, P.I., 91-377).					
14A. Does the applicant(s) specify that (See Section 83(a), P.L. 91 57 7/1				ss of certified	d seed?
148-Does the applicant(s) specify that limited as to number of generations	this variety be		o 14H, how many gen	erations of pro	oduction
Applicant is informed that false representation		jeopardize protec	tion and result in per	nalties.	
The undersigned applicant(s) of this si					
uniform, and stable as required in Sect Plant Variety Protection Act (P.L. 91-		ed to protection w	nder the provisions o	Section 42 o	of the
april 16, 1971		Jeorg	e 6. 6mer	1	1
TO 10 11 1 1 1		Ferry-N	pre legt	one pan	y.
Hysril 16, 1971	- ч	by:/XV	SIGNATURAL SARELY.	Vice Pol	Esister
			05		

Variety: Bush Romano 71

Exhibit B: Botanical Description of the Variety

Rate of seedling emergence is moderate, but seedling growth strong and vigorous. Occasionally the primary (unifoliate) leaves begin their rapid expansion below the soil level; as a result when the scedling first becomes erect, leaves above soil will appear an orange-yellow color until chlorophyll development produces the normal green pigmentation. Hypocotyls of young seedlings have a slight reddish pigmentation just above ground level. Flowering is slightly later than most bush types; flowering is concentrated with many flowers open at the same time. Flowers of the terminal raceme open well above the terminal leaf. As a result of concentrated filowering, many pods develop at the same time. Pod development initially is slow, but becomes rapid as the pods approach their mature size. Seed enlargement follows god size maturation by two to three days. Fiber development occurs just after the seed reaches its mature size. Plants remain tall and erect until pod weight is excessive, then the main axis bends over.

The mature bush is medium tall and wide spread. The main stem of the bush is long and weak. Internodes are medium long; branching is moderate. Vegetative growth is vigorous and abundant, foliage cover moderately thick. Leaves are moderately numerous and leaf size is medium large. Leaflets are cordate in shape with truncate bases and acute apices. Leaf sumface is medium smooth, pubescent, and the blade medium in thickness. Compared to Bachicha, the mature bush of Bush Romano 71 is less erect and more sprawly; the plant is more leafy with more total vegetative growth; internode length is longer.

The relatively small flowers have a lavender blush, whereas the flowers of Bachicha are white.

The stringless, flat, Romano-like pods are 5k to 6 inches long and 9/16 to 5/8 inches wide; the neck and spur are medium in length; pods are generally straight and smooth with a pubescent surface; color is medium light green. Compared to Bachicha, pods of <u>Bush</u> Romano 71 are slightly longer and distinctly vider.

Seed color is vinaceous-cimnamon according to Ridgeway's classification. The seed is slightly flattened and oval in shape. The seed count per ounce averages approximately 65 seed. <u>Bachicha</u>, in comparison, has a larger, more rounded, two colored (white and red on each seed) seed.

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3 = DARK GREEN (Bush Blue Lake)

INSTRUCTIONS: See Reverse.

PUBESCENCE - Ventral:

Color: 1 = LIGHT GREEN (Bountiful)

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UNITED STATES DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE

GRAIN DIVISION

HYATTSVILLE, MARYLAND 20782

OBJECTIVE DESCRIPTION OF VARIETY

BEAN (PHALEOLUS VULGARIS)

FOR OFFICIAL USE ONLY NAME OF APPLICANT(S) FERRY-MORSE SEED COMPANY PVPO NUMBER 7193 VARIETY NAME OR TEMPORARY DESIGNATION 111 FERRY-MORSE WAY P. O. BOX 100

ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) MOUNTAIN VIEW, CALIFORNIA 94040 Bush Romano 71 Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in first box (e.g. 0 8 9 or 0 9) when number is either 99 or less or 9 or less. I. TYPE: A = MULTIPURPOSE 1 3 = DRY EDIBLE 2 = GREEN SHELL 1 = SNAPBEAN 2. SEASON AND REGION OF ADAPTABILITY IN THE U.S.: 2 4 = WINTER 3 = FALL 1 = SPRING 2 = SUMMER Grows best during: 3 = NORTHEAST **4** = SOUTHEAST 2 = NORTHCENTRAL 1 = NORTHWEST 6 Best adapted in: 6 = MOST REGIONS 5 = SOUTHWEST 3. MATURITY (Days from seeding to first harvest): DRY SEEDS 5 4 GREEN PODS GREEN SHELLS 0 0 NO. DAYS EARLIER THAN -----1 3 = KINGHORN WAY 2 = KENTUCKY WONDER 1 = TENDERCROP 6 = DWARF HORTI-5 = MICHELITE 62 4 = WHITE KIDNEY 7 = BUSH BLUE LAKE 8 = OTHER (Specify) 0 4 NO. DAYS LATER THAN -----4. PLANT: 2 = DETERMINATE, SPRAWLING BUSH 4 = INDETERMINATE, POLE 1 = DETERMINATE, ERECT BUSH 2 3 = DETERMINATE, SEMIPOLE CM. HEIGHT OR LENGTH OF VINE FROM PRIMARY LEAF NODE CM. SPREAD 4 4 0 NUMBER PRIMARY BRANCHES PER MAIN STALK NUMBER INTERNODES ON MAIN STALK BETWEEN PRIMARY LEAF AND BASE OF 0 7 Branching habit: 1 = COMPACT 2 ± OPEN TERMINAL INFLORESCENCE MM. STALK DIAMETER ABOVE 0 6 1 CM. LENGTH OF FIRST INTERNODE ABOVE PRIMARY LEAF FIRST TRIFOLIATE LEAF 2 Main stalk: 1 = BRITTLE 2 = WIREY 1. STOUT 2 THIN 3 | Flower position: 2 = HIGH, CONCENTRATED 1 = LOW, CONCENTRATED 3 | Pod Position: 5. LEAVES: 2 Thickness: 1 = THIN 2 = MEDIUM 3 = THICK 1 2 1 = DULL 2 = GLOSSY 2 = WRINKLED) = SMOOTH CM. PETIOLE LENGTH 3 = LARGE (Tendercrop)Size: 1 = SMALL (Earliwax) 2 = MEDIUM (To basel leaflets of first trifoliate leaf) 3 = SHARP POINTED Tip shape of center leaflet: 2 = TAPER POINTED 1 = ROUNDED PUBESCENCE - Dorsal: 3 = CONSIDERABLE 1 = NONE 2 = SLIGHT

2 = MEDIUM GREEN

FORM GR-470-12 (PAGE 3 OF 3 PAGES)	
10. ANTHOCYANIN: (1 = Absent 2 = Present):	
1 FLOWERS 2 STEMS 1 PODS	1 SEEDS 1 LEAVES
11. DISEASE RESISTANCE (0 = Not tested; 1 = Susceptible; 2 = F	Resistant):
2 RUST (Specify race) Race 3	O ANGULAR LEAF SPOT
0 BACTERIAL WILT	O COMMON BEAN MOSAIC
0 ANTHRACNOSE	O YELLOW BEAN MOSAIC
0 SOUTHERN BEAN MOSAIC	0 FUSARIUM ROOT ROT
O CURLY TOP	1 N.Y. 15 BEAN MOSAIC
0 POWDERY MILDEW	0 BEAN MOSAIC VIRUS 4
0 HALO BLIGHT	0 FUSCOUS BLIGHT
0 ALFALFA MOSAIC VIRUS	O ALFALFA MOSAIC VIRUS 2
O POD MOTTLE VIRUS	0 RED NODE VIRUS
0 ROOT KNOT NEMATODE	O OTHER (Specify)
12. INSECT RESISTANCE: (0 = Not tested; 1 = Susceptible; 2 = Res	sistant)
0 APHIDS	0 LEAF HOPPERS
O POD BORER	0 LYGUS
0 THRIPS	0 WEAVILS
0 SEED CORN MAGGOT	O OTHER (Specify)
13. PHYSIOLOGICAL RESISTANCE: (0 = Not tested; 1 = Susceptible;	2 = Resistant)

REFERENCES: The following publications may be used as a reference in completing this form:

0 DROUGHT

- Beans of New York. Vol. 1 Part II of Vegetables of New York. U.P. Hedrick et al. J. B. Lyon Company, Albany, N.Y. 1931.
- 2. Yarnell, S. H., Cytogenetics of the Vegetable Crops IV. Legumes. Bot. Rev. 31:247 330. 1965.
- 3. USDA Yearbook of Agriculture. 1937.

0 COLD

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COLOR: Nickerson's or any recognized color fan may be used to determine the colors.

APPLICATION NO. 7193

VARIETY: BUSH ROMANO 71

EXHIBIT D: DATA INDICATIVE OF NOVELTY

Bush Romano 71 is most similar to the variety Bush Romano 14. It is distinct from Bush Romano 14 by having a slightly more upright habit, and a larger pod.

Bush Romano 14 seed is a mixture of two color types, vinaceous - cinnamon and vinaceous - cinnamon with white, whereas Bush Romano 71 seed has a uniform vinaceous - cinnamon color.

	Bush Romano 71	Bush Romano 14
plant height	23.7 ± .53 inches	18.4 ± .74 inches
pod length	5.95 ± .093 inches	5.30 ± .050 inches

VOLD - AMENDED EXHIBIT D OCT 11, 1973

Variety: Bush Romano 71

Exhibit D: Data Indicative of Hovelty

Bush Romano 71 is most similar to the variety Bush Romano 14 with which it shares the same parents. It is distinct from Bush Romano 14 by having a slightly more upright habit, a longer pod, and a greater yield potential. Bush Romano 14 seed is a mixture of two color types, vinaceous-cinnamon and vinaceous-cinnamon with white, whereas Bush Romano 71 seed has a uniform vinaceous-cinnamon color.

Variety: Bush Romano 71

Exhibit D: Data Indicative of Movelty

EXHIB	et "e"		
Plant	Variety	Protection	Application
No:	7193		<u> </u>

ASSIGNMENT

I,GEORGE C. EMERY, agree and hereby
do transfer and assign to FERRY-MORSE SEED COMPANY all of my rights,
title, and interest in and to that certain variety namely,
SNAP BEAN - BUSH ROMANO 71
for which application for Plant Variety Protection Certificate has been
filed. This agreement shall be binding on my administrators, successors
and assigns.
In Witness Whereof, I have executed this agreement this
// day of January , 19 73.

BREEDER

Leonge C. Every

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ASSIGNMENT OF INTELLECTUAL PROPERTY

WHEREAS, HARRIS MORAN SEED COMPANY, a corporation duly organized and

existing under the laws of the State of Maryland, having its principal place of business at 4511

Willow Road, Suite 3, Pleasanton, California 94588 ("Assignor"), has, pursuant to that certain

Bill of Sale and Assignment dated as of June 30, 1997, transferred to FERRY-MORSE SEED

COMPANY (CALIFORNIA), a corporation duly organized and existing under the laws of the

State of California, having its principal place of business at 555 Codoni Avenue, P.O. Box 4938,

Modesto, California 95352-4938 ("Assignee"), all of the intellectual property Assignor had

adopted, used and was using as of the effective date of this Assignment, including without

limitation, the intellectual property represented by the United States Plant Variety Protection

Certificates of Assignor identified on Schedule A hereto (collectively, the "Property"); and

WHEREAS, on the date hereof, Assignee has changed its name to "Harris Moran Seed

Company";

NOW, THEREFORE, effective by this instrument as of the close of business on

June 30, 1997, and for good and valuable consideration, receipt of which is hereby

acknowledged, Assignor hereby assigns to Assignee any and all right, title and interest

worldwide in and to the Property and any and all recordations thereof, including, but not limited

to, the use of the Property in any manner, all benefit of any and all prior use of the Property, and

any and all rights to initiate claims or proceedings for past, present or future infringements of

Assignor's rights, title and interest in and to the Property.

Dated: as of June 30, 1997

HARRIS MORAN SEED COMPANY

NEWY01A:171511:1:09/26/97 26757-1

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CERTIFICATE OF AMENDMENT

OF THE

ARTICLES OF INCORPORATION

OF

ENDORSED
FILED
In the office of the Secretary of State
of the State of California

JUN 3 0 1997

Bill

FERRY-MORSE SEED COMPANY (CALIFORNIA)
(a California corporation)

To the Secretary of State State of California

Pursuant to the provisions of the General Corporation Law of the State of California, the undersigned officers of FERRY-MORSE SEED COMPANY (CALIFORNIA), a California corporation (the "Corporation"), do hereby certify as follows:

- The name of the Corporation is Ferry-Morse Seed Company (California).
- 2. Article One of the Corporation's Articles of Incorporation, which relates to the name of the Corporation, is hereby amended in its entirety to read as follows:

One. The name of this Corporation is: HARRIS MORAN SEED COMPANY.

- 3. The amendment herein provided for has been approved by the Corporation's Board of Directors.
- 4. The amendment herein provided for was approved by the written consent of the Corporation's sole shareholder in accordance with the provisions of Section 902 of the California General Corporation Law. The total number of outstanding shares of the corporation is 5,000.

IN WITNESS WHEREOF, each of the undersigned does hereby declare under the penalty of perjury that he or she signed the foregoing Certificate of Amendment as of June 30,

1997, in the Town of Modesto, State of California, in the official capacity set forth beneath his or her signature and that the statements set forth in this certificate are true of his or her own knowledge.

Yves Queste, President

Helen Andritsakis, Secretary



SECRETARY OF STATE



I, *BILL JONES*, Secretary of State of the State of California, hereby certify:

That the attached transcript has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.

> IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this

> > JUN 3 8 1997



Billens

Secretary of State